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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,069	12/03/2001	Neal Solomon	021731-000250	2731

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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER
GREIMEL, JOCELYN

ART UNIT	PAPER NUMBER
3693	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 December 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-53* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-53* is/are rejected.

7)☒ Claim(s) *1,20,31,33,35,48,49 and 52* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *12/03/01*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to Applicant's application of December 03, 2001, which claims the benefit of 60/162,932 filed November 01, 1999 and claims the benefit of 60/250,819 filed December 01, 2000. Claims 1-53 are pending and presented to be examined upon their merits. Claims 1, 20, 31, 33, 35, 48, 49 and 52 are independent claims.

Claim Objections

2.   Claims 1, 20, 31, 33, 35, 48, 49 and 52 are objected to because of the following informalities: the use of the terms "intelligent agent", "inter-agent" and "intelligent negotiation agent" for both buyer and seller are confusing as they are similar. Consistent use of the same term and more distinct terms would make the claims read more clearly. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   **Claims 1, 30, 48-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Peckover (US Patent No. 6,119,101).** In reference to claim 1, Peckover discloses a method, system and computer program for exchanging information between a buyer and at least one of a plurality of sellers using computers that communicate over a distributed network (col. 15, lines 10-64):

a.   the system comprising: a buyer's intelligent agent for receiving information regarding at least one selected item from at least one of a plurality of seller's inter-agents and for sending information regarding said selected item to said least one seller's inter-agents (col. 15, line 10 – col. 19, line 32; "personal agent");

b.   said selected item being one of a group of individual product items and individual service items (col. 16, lines 9-24), at least one buyer's input device in communication with said buyer's inter-agent, said buyer's input device for identifying a list of at least two sellers of said selected item (col. 15, line 10 – col. 19, line 32);

c.   said at least one of a plurality of seller's inter-agents for receiving information regarding said selected item from said buyer's inter-agent and for sending information regarding said selected item to said buyer's inter-agent, each of said plurality of sellers' agents representing a seller of said selected item (col. 22, lines 56-20; col. 27, line 50 – col. 28, line 49);

d.   and wherein, when said list of sellers is received by said buyer's inter-agent, said buyer's inter-agent and said seller's inter-agents representing said at

least two sellers engage in an exchange of information regarding said selected

item (abstract; col. 14, line 55 – col. 15, line 64)

6.   In reference to claim 30 and 48, Peckover discloses a system for exchanging

information between a buyer and at least one of a plurality of sellers using computers

that communicate over a distributed network (col. 15, lines 10-64):

> e.   a buyer's inter-agent for receiving information regarding at least one
>
> selected item from at least one of a plurality of seller's inter-agents and for
>
> sending information regarding said selected item to said seller's inter-agents,
>
> said selected item being one of a product or service, and said at least one of a
>
> plurality of seller's inter-agents for receiving information regarding said selected
>
> item from said buyer's inter-agent and for sending information regarding said
>
> selected item to said buyer's inter-agent (col. 15, line 10 – col. 19, line 32;
>
> "personal agent");
>
> f.   wherein, when said buyer's inter-agent transmits a set of minimally
>
> acceptable buyer's specifications for said selected item to said plurality of seller's
>
> inter-agents, said at least one of said plurality of seller's inter-agents transmits to
>
> said buyer's inter- agent a set of seller's specifications available from a seller for
>
> said selected item that comply with said set of minimally acceptable buyer's
>
> specifications (col. 16, line 55- col. 17, line 15; col. 18, line 30 – col. 19, line 32);
>
> g.   and wherein, when said buyer's inter-agent transmits a set of minimally
>
> acceptable buyer's transaction specifications for said selected item to said

plurality of seller's inter- agents, said at least one of said plurality of seller's inter-agents transmits to said buyer's inter-agent a set of seller's transaction specifications available from a seller for said selected item that comply with said set of minimally acceptable buyer's transaction specifications (col. 16, line 55-col. 17, line 15; col. 18, line 30 – col. 19, line 32).

7.   In reference to claims 31-47, the claims and limitations closely parallel those of claims 1, 30 and 48-53. Claims 31-47 are rejected under the same rationale as set forth in claims 1, 30 and 48-53 as indicated supra.

8.   In reference to claims 2-29, Peckover discloses a method and system:

h.   wherein: said at least one of a plurality of seller's intelligent agents comprises at least two of said plurality of seller's intelligent agents (col. 27 – col. 28, line 50);

i.   wherein: said buyer's inter-agent is autonomous and wherein: at least one of said seller's inter-agents is autonomous (col. 15, lines 10-63);

j.   wherein: said buyer's inter-agent transmits a list of buyer's minimally acceptable specifications to said seller's intelligent agents, and said seller's intelligent agents transmit responses to said buyer's inter-agent stating the availability of said selected item with said buyer's minimally acceptable specifications from the sellers represented by said seller's intelligent agents (col. 15, line 10 – col. 19, line 32);

k.   wherein: said at least one selected item comprises a bundle of items wherein each of said at least two sellers is a seller of each of said items of said bundle; and wherein: said at least one selected item comprises a bundle of items, each item of said bundles of items is available from each of said at least two sellers, and each of said items of said bundle satisfies a list of buyer's minimally acceptable specifications; and wherein: at least one item of said bundle includes at least one parts, and said parts are available from said at least two sellers, and said parts satisfy said list of buyer's minimally acceptable specifications; and wherein: said at least one selected item comprises a bundle of items; and wherein: said information regarding said selected item comprises at least one promotion from at least one of said sellers (col. 16, line 9-24);

l.   wherein: said information regarding said selected item comprises at least one contract contingency from at least one of said sellers authorizing said seller to pay said buyer a penalty if said seller elects to sell said selected item to another buyer (col. 16, line 9-24);

m.   wherein: said buyer's inter-agent selects one of a group of evolutionary computation programs to exchange said information; and wherein: said group of evolutionary computation programs comprises neural networks; and wherein: said group of evolutionary computation programs comprises genetic programming; and wherein: said group of evolutionary computation programs comprises genetic algorithms; and wherein: said sellers' intelligent agent selects one of a group of evolutionary computation programs to exchange said

information; wherein: said group of evolutionary computation programs comprises neural networks; wherein: said group of evolutionary computation programs comprises genetic programming; wherein: said group of evolutionary computation programs comprises genetic algorithms (col. 15, lines 53-64);

n.   the system, further comprising: at least one buyer's analytical agent for mining data from at least one of a plurality of market databases, said buyer's analytical agent in communication with said buyer's inter-agent, wherein, when said buyer's analytical agent receives a set of parameters relating to said selected item, said buyer's analytical agent mines said data from said databases to identify said list of at least two sellers of said selected item; wherein: said list of at least two sellers includes a ranking of said identified sellers according to satisfaction criteria related to said set of parameters; wherein: said buyer's analytical agent selects one of a group of evolutionary computation programs to perform said mining; wherein: said group of evolutionary computation programs comprises neural networks; wherein: said group of evolutionary computation programs comprises genetic programming; wherein: said group of evolutionary computation programs comprises genetic algorithms; wherein: said mining data comprises filtering (col. 16, line 55- col. 17, line 15; col. 18, line 30 – col. 19, line 32; and as in sections "r" – "v" supra).

o.   The system wherein: said plurality of market databases includes at least one new items similar to said selected item, and said buyer's analytical agent ranks said new items by interest to customers of similar to a buyer associated

with said buyer's inter-agent; further comprising: at least one seller's analytical agent for analyzing seller competitors, said seller's analytical agent in communication with said at least one of a plurality of seller's inter-agents, wherein, when said seller's analytical agent receives an indication of a buyer's interest in said selected item, said seller's analytical agent mines data from at least one of a plurality of market databases for identifying candidate seller competitors and for creating a report on the competitive strength of said candidate seller competitors related to prospective sales of said selected item to said buyer; and wherein: said indication of a buyer's interest in said selected item includes a list of at least one parts comprising said selected item, and said indication of a buyer's interest further including specifications for each said part minimally acceptable to said buyer (col. 18 – 19; and as in "w" supra).
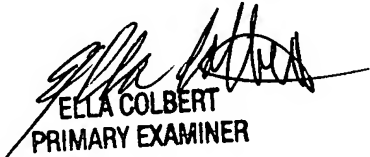
Conclusion

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached Monday - Friday, 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached at (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner, Art Unit 3693
September 22, 2006

ELLA COLBERT
PRIMARY EXAMINER